

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Case No. 09-mj-98-01-JM

Quan D. Lam

O R D E R

On November 16, 2009, defendant appeared for a probable cause hearing under Fed. R. Crim. P. 32.1 on two alleged violations of conditions of supervision. Defendant stipulated to probable cause on the violations. I therefore find probable cause to hold him for a revocation hearing.


Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Three weeks after starting supervised release defendant was arrested as a passenger in his girlfriend's car in which the trooper found one pound of marijuana, \$1,933 on defendant's person, and \$18,033 stuffed under the dash and in other parts of the passenger part of the car. He is unemployed. He is a drug dealer and a danger to the community. There are no conditions which are likely to assure his presence and the safety of the

community.

Accordingly, it is **ORDERED** that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: November 16, 2009

cc: Jonathan R. Saxe, Esq.
Clyde R. W. Garrigan, Esq.
U.S. Marshal
U.S. Probation